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SUPREME COURT OF THE STATE OF WASHINGTON

In the Matter of
the Disciplinary Proceeding Against

DOUGLAS A. SCHAFER,

an Attorney at Law (Suspended).

Bar No. 08652-4

SUPPLEMENT TO APPENDIX TO
MOTION FOR RECONSIDERATION AND
STAY

This supplements the Appendix to Respondent Lawyer’s Motion for Reconsideration and Stay, filed May 7, 2003. On page 4, footnote 3, of that motion, I represented that I would obtain from archived court records and file the attached papers. Four documents are attached:

- (1) Declaration of Arthur W. Verharen in Support of Motion to Dismiss for Premature Filing of Action, filed March 7, 1997, in Pierce County Superior Court cause no. 96-2-13960-8.
- (2) Declaration of Kurt M. Bulmer in Support of Motion to Dismiss for Premature Filing of Action, filed March 7, 1997, in Pierce County Superior Court cause no. 96-2-13960-8.
- (3) My letter of December 27, 1995, to All 18 Judges of the Pierce County Superior Court.
- (4) My letter of February 24, 1997, to Judge Faith Ireland, then President of the Washington State Superior Court Judges Association.

In item #1, Judge Verharen at ¶¶ 7-8 and 21-23 falsely alleges that I incited lawyer Steven Quick-Ruben to “attack” him, and Verharen asserted, “I believe that as the senior member of my bench I am a symbolic object against which Mr. Schafer can carry our his attacks on the Pierce County Superior Court Bench.”

Item #2 reports that Kurt Bulmer, on 2/22/97, spent 2.6 hours preparing Item #1 for

1 Judge Verharen's to sign. Mr. Bulmer had been representing corrupt Judge Grant L. Anderson
2 for over a year by that time, and had been defending him chiefly by vilifying me, privately to
3 investigators, as being obsessed with a retaliatory personal vendetta against Judge Anderson.

4 Exhibit G to Item #1 reflects my attempt to learn more about Mr. Bulmer, who's ability
5 to "pull strings behind the scenes" had been apparent by the hasty whitewash of corrupt Judge
6 Anderson by the State Bar (of which Bulmer had been General Counsel) and the Pierce County
7 Prosecutor. Upon hearing Mr. Quick-Ruben comment that he'd heard Mr. Bulmer's sister was
8 Kitsap County Superior Court Judge Karen Conoley, I phoned her former husband, Robert
9 Conoley, a lawyer, to seek confirmation of that fact, which I eventually confirmed (and now see
10 was reported in the Bremerton Sun article that Mr. Bulmer appended as Exhibit E to Item #1).

11 Item #3 is my letter to Pierce County Superior Court judges expressing outrage at their
12 indifference to well-documented abuses of elderly and disabled persons. That was the only act of
13 mine that even remotely supports Judge Verharen's wild claim that I was engaged in *attacks* on
14 the Pierce County Superior Court Bench (unless pushing for curative legislation is an *attack*).

15 Item #4 is my 1997 letter concerning guardianship legislation to Justice Faith Ireland,
16 who at that time was president of the state Superior Court Judges Association which had lobbied
17 against the 1996 curative guardianship legislation that I, with others, convinced the state
18 legislature was needed. Judge Ireland, as the judges association president, almost certainly
19 would have heard earfuls of the vile propaganda that corrupt Judge Anderson, Judge Verharen,
20 Judge Conoley, Kurt Bulmer, and others were spreading about me from 1996 until who-knows-
21 when. Justice Bobbe Bridge in 1998 succeeded Ireland as president of that same judges
22 association, so she would have been subjected to the same false and malicious propaganda at the
23 frequent judicial conferences, committee meetings, and social gatherings at which state judges
24 congregate. These multi-year professional and social relationships with corrupt Judge Anderson
25 and his colleagues and defenders reasonably explain the extraordinarily vile viciousness (with so
26

1 many accusations fully unsupported by the record) that permeates the majority opinion authored
2 by Justices Bobbe Bridge and joined by Justice Faith Ireland, and the concurring opinion
3 authored by former Pierce County Superior Court Judge Karen Seinfeld.

4 I declare under penalty of perjury under the laws of Washington state that all statements I
5 made above are true to the best of my knowledge and belief.

6
7
8 May 8, 2003
Tacoma, Washington

Douglas A. Schafer, (Suspended) WSBA No. 8652

9
10
11 CERTIFICATE OF SERVICE

12 I certify that today I caused a copy of the foregoing “Supplement to Appendix to
Motion for Reconsideration and Stay” to be sent by first class mail, postage paid, to:

13 Christine E. Gray, Disciplinary Counsel
14 Washington State Bar Association
2101 - 4th Ave., 4th Floor
Seattle, WA 98121-2330

15 I have also provided copies of it to my co-counsel, Shawn Newman and Don Mullins.

16
17
18 May 8, 2003

Douglas A. Schafer, (Suspended) WSBA 8652

court has no jurisdiction. I believe that if this litigation goes forward without resolving this jurisdictional issue, and if I ultimately prevail on the merits of this case, that Mr. Quick-Ruben will then assert the court lacked jurisdiction. It is my belief that he would simply start the action all over again. This declaration is submitted to demonstrate why I have this belief so that the court may understand why I feel it is necessary to bring this Motion at this time in order to protect myself from additional unnecessary litigation in the future.

5. Mr. Quick-Ruben apparently has a personal dislike for me. I believe that he has pursued a course of action over the years designed to express his dislike of me. I believe that if given the chance to take a course of action which will make my life more difficult that Mr. Quick-Ruben will do so.

6. It appears to me that the origin of Mr. Quick-Ruben's dislike of me stems from a ruling I made in 1989. Mr. Quick-Ruben represented a party who lost on a summary judgement motion in a dispute involving contract bridge. Mr. Quick-Ruben's client prevailed on appeal. Hartley v. American Bridge League, 61 Wn.App. 600, 812 P.2d 109 (1991). Since the time I ruled against his client, Mr. Quick-Ruben has filed an affidavit of prejudice against me whenever he has had a case assigned to my court.

7. Within the last two years a Tacoma attorney, Douglas Schafer, has become embroiled in a controversy with the Pierce County Superior Court bench on the function of Guardian Ad Litem in our county. Up until about the time of the election last fall Mr. Quick-Ruben had been sharing office space in Tacoma with Mr. Schafer. Mr. Quick-Ruben has aligned himself

with Mr. Schafer as is shown by his attached letter to the Pierce County Bar Association. Exhibit A. As a result of his dislike of the entire Pierce County bench Mr. Schafer endeavored to find an opponent for each superior court judge subject to election in 1996.

8. Mr. Schafer's appeal for candidates apparently struck a cord in his then office mate, Mr. Quick-Ruben. On the last day for filing a declaration of candidacy and without any hint of support from either the local bar or the general public, Mr. Quick-Ruben filed to run against me for Superior Court Judge in Department 1 of Pierce County.

9. I believe that his motivation was not because he wished to be elected to the bench but was rather because he had a personal dislike of me and thought that if he ran against me it would cause me personal grief and considerable expense.

10. At the time Mr. Quick-Ruben filed, or shortly thereafter, it became apparent that he was not really interested in practicing law in Pierce County. I believe that at the time of filing his declaration of candidacy Mr. Quick-Ruben was either in the process of or had moved his practice to Seattle. The telephone number he listed in his Public Disclosure Statement was that of his Seattle office. In a published letter he sent to the local newspaper he listed his address as Seattle. Exhibit B.

11. Mr. Quick-Ruben invested little money in his judicial campaign. He appeared at very few public political forums. When he did appear his message was to be critical of my appellate record and to be generally critical of the Pierce County

Superior Court.

12. Although Mr. Quick-Ruben told the press that he was not seeking support from local groups he, in fact, sought out such support. Exhibit C.

13. Mr. Quick-Ruben prepared candidate statements for the Pierce County Voter's pamphlet and for the Judicial Administration Office's Voter's Pamphlet. In those statements he misrepresented my record before the appellate courts. Exhibit D. His misrepresentations have no basis in fact and present a gross and obvious effort to mislead the public about my abilities as a judge.

14. Mr. Quick-Ruben has asserted in this action that I am not a resident of Pierce County. As best as I am able to figure out this is apparently based on the premise that I am married to a Kitsap County Superior Court judge who maintains her residence in Kitsap County. He has admitted to the press that at the time of the election he understood my marital status. Despite knowing this keystone "fact" to his allegation of lack of residency before the election he did not raise the residency issue by invoking the appropriate statutory procedure.

15. However, I am informed that he did try to bully the County Auditor into rejecting my declaration of candidacy on the basis of residency. When rebuffed he did not follow through with any appropriate legal proceedings.

16. I have been informed that at the very end of the election period Mr. Quick-Ruben did try to make an issue of my residency by calling the local press. They too ignored him.

17. Mr. Quick-Ruben lost the election by a margin exceeding

2 to 1. Given the complete lack of effort put into the election by Mr. Quick-Ruben and his approach of attacking me and the rest of my bench it appears to me that he was not a serious candidate for judicial office. It appears that what he wanted to do was to use the election process as a forum to carry out a personal vendetta against me and the rest of the Pierce County Superior Court. I believe that he felt that by making his attacks in the course of an election he was insulating himself from tort liability.

18. I believe that this lawsuit is just an extension of his attack in a forum which he believes is a forum that will continue to insulate him from tort liability.

19. Mr. Quick-Ruben has never directed a question to me about my residency. Yet two days before Christmas, and well after the elections were over during which he admittedly had a "question" about my residency, he filed the present quo warranto action against me.

20. After the filing of this action, Mr. Quick-Ruben made false statements regarding my residency as shown in the attached copies of newspaper articles. Exhibit E. He admits in one of the articles that two judges could marry without changing residences and apparently recognizes that both could continue as judges if both maintained "bonafide separate residences." He has never asked me about my separate residence that was in existence from before my present marriage and which has continued to this date. Instead he seems to base his idea of what has happened in my marriage on the theory that "In our society married people are expected to live together." (By this discussion I do not mean to

imply that I agree that a judge has to be a resident of the county in which he or she is elected. I expressly assert that a judge does not have to be such resident but recognize that is an issue for resolution at a later time.)

21. Mr. Schafer is still involved in this ongoing attack as is demonstrated by his letter attacking me and supporting Mr. Quick-Ruben which appeared in the Tacoma News Tribune. Exhibit F. Mr. Schafer appears to have some sort of investigative role for Mr. Quick-Ruben since for some reason Mr. Schafer contacted my wife's former spouse to check on my family relationship to my attorney. Exhibit G.

22. To be called a liar in print by Mr. Quick-Ruben and by Mr. Schafer has been a great embarrassment to me and to my family. It degrades and demeans the judiciary and the legal profession.

23. I believe that as the senior member of my bench I am a symbolic object against which Mr. Schafer can carry out his attacks on the Pierce County Bench. I believe that Mr. Quick-Ruben goes along with, and is part of, this attack since it assists him in his personal grudge against me.

24. I have invested many hours of time and thousands of dollars defending myself against the attacks of Mr. Quick-Ruben. Mr. Quick-Ruben has already achieved part of his goal since these unfounded attacks have irreparably damaged my reputation, not to mention the reputation of the judiciary.

25. I believe that the jurisdiction question raised in the Motion to Dismiss must be resolved or Mr. Quick-Ruben will relitigate it at some future time since it would be an easy way

to continue to strike out at me. I think his history to date demonstrates that this is not only a likely possibility but a probable one.

26. I would also like to note at this point that I have asked for attorneys fee on this motion and on this entire action. It is my belief that the only way to make Mr. Quick-Ruben act responsibly is to make him financially responsible for his actions. If he is not made financially responsibly, I fear that I will have to deal with him into the indefinite future.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 22nd day of February, 1997.



Arthur W. Verharen, Respondent



Tacoma-Pierce County BAR NEWS



The Monthly Publication of the Tacoma-Pierce County Bar Association

✦ MARCH ✦

MARCH BAR LUNCHEON

LETTERS TO THE EDITOR

Dear Editor:

After being fed several months of sugary and/or self-promotional articles by Diana L. Kiesel in every recent issue of the TPCBA Bar News, I find that I've lost my appetite for membership. The absence of responsible reporting on the serious issues facing the association in favor of fluff leads me to the conclusion that my professional time and money are better spent on a publication or organization that advances the profession as a whole rather than the political or economic agendas of a few.

Please discontinue my subscription and cancel my membership ASAP.

Steven Quick-Ruben, Attorney at Law

Blumberg No. 6119

EXHIBIT

A

LETTERS TO THE EDITOR

Editorial on Verharen missed the point

Your Jan. 16 editorial so hastily defending Pierce County Superior Court Judge Art Verharen's claim of county residency surprised me. His challenger claims he was not a qualified candidate in the last election because he resides in Port Orchard with his wife, a Kitsap County judge. Judge Verharen

claims his racing sailboat moored at the Tacoma Yacht Club is his residence.

For voting and candidacy purposes, "residence" means "a person's permanent address where he physically resides and maintains his abode." RCW 29.01.140. Misrepresenting one's residence when declaring his candidacy for public office is a felony (RCW 29.85.100). The county auditor's filing guidelines instruct candidates for superior court judgeships that they must be "resident electors" of the county.

I understand that Judge Verharen and his wife refinanced their Port Orchard home recently and that he then represented to the lender that the home was his primary residence. Misrepresenting the facts when obtaining a home mortgage generally is a federal crime.

Your editorial, in my view, missed the point. The important issue is not whether the good judge belongs to the same Tacoma-area clubs that you do, but whether his conduct shows that he respects and follows the law. Shouldn't we expect that of a judge? You insist on it from firefighters.



DOUGLAS A. SCHAFFER
Tacoma



SCHAFER LAW FIRM
1019 PACIFIC AVE., SUITE 1302
P.O. BOX 1134
TACOMA, WA 98401-1134
PHONE: 206-383-2167 FAX: 206-572-7220

J. Schafer

FAX COVER PAGE PAGE 1 OF 4 DATE: 1-22-97

TO: Robert A. Conroy FAX: 206-842-7675

FROM: Doug Schafer

MESSAGE:

Judges K. Conroy and A. Verbeem have been in the Tacoma newspaper recently. Your reputation and you might be interested in the articles. I'd like to speak briefly with you to confirm if Kurt Buhner is related to K. Conroy. Please return my call. Thanks, Doug.



ORIGINAL

FILED
IN COUNTY CLERK'S OFFICE
AM MAR - 7 1997 PM

PIERCE COUNTY WASHINGTON
TED RUTZ COUNTY CLERK
BY DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

STATE OF WASHINGTON EX REL.)	No. 96-2-13960-8
STEVEN QUICK-RUBEN,)	
)	
Relator,)	DECLARATION OF
)	KURT M. BULMER
vs.)	IN SUPPORT OF
)	MOTION TO DISMISS
ARTHUR W. VERHAREN,)	FOR PREMATURE
)	FILING OF ACTION
Respondent.)	

KURT M. BULMER, attorney for respondent Arthur W. Verharen, hereby declares under penalty of perjury according to the laws of the State of Washington as follows:

1. I am the attorney for the respondent judge in this matter, the Honorable Arthur W. Verharen.

2. Attached hereto is a true and correct copy of a letter with attachments I sent to Bruce O. Danielson, attorney for Mr. Quick-Ruben. The letter was sent on January 28, 1997. I have received no response to the letter.

3. I have spent the following time researching and preparing in order to seek dismissal because of the premature filing of the quo warranto action:

<u>TIME</u>	<u>DATE</u>	<u>ENTRY</u>
.4	1/11/97	- Research on use of quo warranto to remove judge - total time spent on research on that day - 1.7 hours - allocate .4 to issue of when quo warranto action can be filed
.2	1/11/97	- Draft letter to opposing counsel re several issues including untimely filing

DECLARATION OF KURT M. BULMER
IN SUPPORT OF MOTION TO DISMISS - PAGE 1

2 MAR 10 1997

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- total time spent on drafting - .8 hours
- allocate .2 to issue of untimely filing
of quo warranto

.2 1/12/97 - Revise draft letter to opposing counsel -
reduce to two issues - total time spent
on drafting - 1.2 hours - allocate .2 to
issue of untimely filing of quo warranto

0 1/25/97 - Additional research on quo warranto
actions including review of Am Jur
article - total time spent on research -
3.4 hours - not able to allocate specific
amount of time to specific research on
untimely filing issue therefore allocate
0 for this time

.4 1/27/97 - Edit, revise, add language and finalize
letter to opposing attorney re untimely
filing of quo warranto action

2.6 2/22/97 - Review and revise Judge Verharen's draft
Declaration being filed in connection with
motion to dismiss. Meet with Judge
Verharen and review revised Declaration
with him, make additional revisions,
finalize and get signed

1.8 3/2/97 - Extensive research at U of W Law Library
re specific cases and law on premature
filing of quo warranto actions

3.8 3/4/97 - Draft Motion to Dismiss, Memorandum in
Support, Declaration of Kurt M. Bulmer and
Proposed Order

9.4 3/4/97 - Total time to date on issue connected with
untimely filing of quo warranto action
====

4. I estimate that preparing any response to the motion
will take approximately 1.5 hours and that oral argument will
take about .5 hours for an estimated additional time of 2 hours.

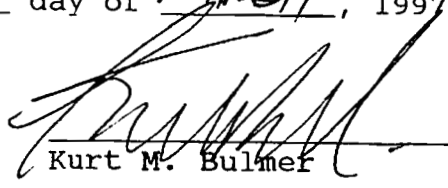
5. The total time spent to date plus the estimated time to
get a decision on this matter is 11.4 hours. My hourly rate in
this matter is \$175. Accordingly, the fee for time incurred to
date is 9.4 x \$175 for \$1645 and the estimated fee for the time
to get a decision is 2 x \$175 for \$350 for a total of actual and

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estimated fees of \$1995.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated this 4th day of MARCH, 1997.


Kurt M. Bulmer

Schafer Law Firm

Washington Building, Suite 1302
1019 Pacific Avenue
P.O. Box 1134
Tacoma, Washington 98401-1134
(206) 383-2167 (Fax: 572-7220)

December 27, 1995

All 18 Judges of the
Pierce County Superior Court
930 Tacoma Ave.
Tacoma, WA 98402

Re: Curing the Pierce County Superior Court's Sick Guardianship System

Dear Judge:

Enclosed is a copy of the article from yesterday morning's edition of The News Tribune announcing the report (dated 12/8/95, released 12/18/95) of the Tacoma-Pierce County Bar Association's ("TPCBA") Guardianship Task Force, a copy of which is also enclosed. I also enclose a copy of the report of the TCPBA's Special Guardianship Committee, dated 6/9/95. In yesterday's article, Judge Sebring said he had not yet seen the latest report, and it occurred to me that some of you may not have seen either report. While I cannot force you to read these reports, I can deny you the opportunity to claim blissful ignorance of the problems they identify in your court's guardianship system.

There were about 250 guardianship petitions per year filed in Pierce County Superior Court from 1992 through 1994—about 21 per month. In the more-than-10 months since I tried to get your attention with my letter to you of 2/16/95, probably 200 or more vulnerable elderly or disabled individuals have been newly processed and abused by your guardianship system—which routinely denies them fundamental due process and other rights. Uncounted other victims suffer under previously established, and possibly unnecessary, full guardianships. (Jerry Neil claimed last January that his guardianship business alone manages 227 active cases, and he probably manages more now.)

None of you even acknowledged receiving my 2/16/95 letter to you, much less expressed any concern about the abuses it exposed. On 5/10/95, I delivered to each of you a copy of my "Appeal to Legal Professionals to Cure a Sick Guardianship System," including transcripts of portions of your court's implicitly approved guardian ad litem training tape and of representative guardianship hearings. None of you even acknowledged receiving that appeal, much less expressed any concern about the abuses that it documented.

All 18 Judges of the
Pierce County Superior Court
December 27, 1995
Page 2

The callous indifference you judges have shown so far to the egregious mistreatment of elderly and disabled individuals by your court astounds me. While some blame for the systemic abuses rests with the local guardianship lawyers, most of the blame must be directed at you judges and your commissioners who, by your orders and written or unwritten rules, expressly supported or passively sanctioned every misguided step of those lawyers.

I challenge each of you to take an active interest in these problems and to help correct them. Read some of the voluminous literature that has been written in the last 10 years about guardianship reform (which supposedly occurred in Washington 5 years ago). Compare what you read to your court's system. Read the applicable RCWs and the materials that I gave you previously. Agree to serve on your defunct Guardian ad Litem Committee prescribed by your Local Court Rule 0.6(A)(6). Meet with the authors of the two TPCBA reports (or with me). Do something responsible yourself, don't just try to "pass the buck."

On the 1994 guardian ad litem training tape, attorney Jerry Neil openly describes Commissioner Foley as having been a mediocre lawyer before she donned black robes. I cynically believe such comment could be made about each of you, from what I've observed and heard privately from the many local cynical lawyers who hold out no hope for responsible leadership from your court (described by some as 18 "kingdoms"). But I have not given up all hope. Please act in a way that will enable me and others to genuinely respect you individually and institutionally.

And please act promptly—remember, there are 20 or more new elderly and disabled victims processed by your guardianship system each month. Pretend that one of them in next month's batch is someone you care about. Thank you.

Very impatiently yours,

Douglas A. Schafer

Douglas A. Schafer
WSBA No. 8652

Enclosures

cc: Chief Justice Barbara Durham

Schafer Law Firm

Attorney:
Douglas A. Schafer

Washington Building, Suite 1302
1019 Pacific Avenue
P.O. Box 1134
Tacoma, Washington 98401-1134
(206) 383-2167 (Fax: 572-7220)

February 24, 1997

Judge Faith Ireland
King County Superior Court
516 Third Ave., Rm. C-903
Seattle, WA 98104-2381

Re: Superior Court Judges Assoc. Support for S.B. 5667—OAC Certification of Professional Guardians

Dear Judge Ireland:

Enclosed is a copy of S.B. 5667 and various materials supporting the need for statewide licensing of “professional” guardians (fee-for-service guardians). The Washington Assoc. of Professional Guardians has proposed the legislation, recognizing the judiciary’s and public’s need for it.

The delegation of oversight responsibility for statewide guardianship certification to the Office of the Administrator of the Courts requires support from the Supreme Court. I have been told that the Supreme Court’s legislative committee (Justices Durham, Talmadge, and Guy) wishes to defer to the Superior Court judges concerning this legislation, and specifically whether the OAC ought to be the responsible agency.

Retired Commissioner Epstein, who testified at a legislative hearing supporting this legislation, may have already spoken to you about this matter. Also, Commissioner Steve Gaddis was reported in the enclosed Seattle Times article on 9/25/95 as wishing for licensing and regulation of guardianship businesses. I believe it impractical (if not impossible) for each court commissioner effectively to screen each new guardianship business for relevant credentials. I understand that one “professional” guardian was essentially banished from King County due to mismanagement, but continues in the guardianship business in other counties. Mr. Epstein can inform you more about that case.

Please review these materials and urge your fellow superior court judges to support this legislation, and convey that support to Justices Durham, Talmadge, and Guy. Do not hesitate to contact me if you have any questions about the enclosed materials. Thank you.

Very truly yours,

Douglas A. Schafer
Douglas A. Schafer

Enclosures